

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION AT AKRON

IN RE:	)	CASE NO. 14-52106
	)	
GARY MASUCCI	)	ADV. NO. 15-05010-amk
	)	
Debtor	)	JUDGE ALAN M. KOSCHIK
	)	
HAROLD A. CORZIN, TRUSTEE	)	
	)	
Plaintiff	)	<u>ANSWER AND AFFIRMATIVE</u>
	)	<u>DEFENSES OF DEFENDANT,</u>
vs.	)	<u>MARGARET MASUCCI</u>
	)	
MARGARET MASUCCI, et al.	)	
	)	
Defendants	)	

JURISDICTION AND PARTIES

1. Defendant, Margaret Masucci admits the allegations set forth in Paragraph One of the Trustee's complaint.
2. Defendant, Margaret Masucci admits the allegations set forth in Paragraph Two of the Trustee's complaint.
3. Defendant, Margaret Masucci admits the allegations set forth in Paragraph Three of the Trustee's complaint.

4. Defendant, Margaret Masucci admits the allegations set forth in Paragraph Four of the Trustee's complaint.

ANSWER TO FIRST CLAIM FOR RELIEF

5. Defendant, Margaret Masucci denies the allegations set forth in Paragraph Five of the First Claim for Relief of the Trustee's complaint.

6. Defendant, Margaret Masucci denies the allegations set forth in Paragraph Six of the First Claim for Relief of the Trustee's complaint.

7. Defendant, Margaret Masucci denies the allegations set forth in Paragraph Seven of the First Claim for Relief of the Trustee's complaint.

8. Defendant, Margaret Masucci denies the allegations set forth in Paragraph Eight of the First Claim for Relief of the Trustee's complaint.

9. Defendant, Margaret Masucci denies the allegations set forth in Paragraph Nine of the First Claim for Relief of the Trustee's complaint.

ANSWER TO SECOND CLAIM FOR RELIEF

10. Defendant, Margaret Masucci admits the allegations set forth in Paragraph Ten of the Second Claim for Relief of the Trustee's complaint.

11. Defendant, Margaret Masucci admits the allegations set forth in Paragraph Eleven of the Second Claim for Relief of the Trustee's complaint.

12. Defendant, Margaret Masucci denies the allegations set forth in Paragraph Twelve of the Second Claim for Relief of the Trustee's complaint.

13. Defendant, Margaret Masucci denies the allegations set forth in Paragraph Thirteen of the Second Claim for Relief of the Trustee's complaint.

14. Defendant, Margaret Masucci denies the allegations set forth in Paragraph Fourteen of the Second Claim for Relief of the Trustee's complaint.

### AFFIRMATIVE DEFENSES

#### FIRST DEFENSE

15. Plaintiff's complaint fails to state a claim upon which relief can be granted.

#### SECOND DEFENSE

16. Plaintiff's complaint fails to name a necessary party to the proceedings.

#### THIRD DEFENSE

17. Plaintiff's complaint is barred due to failure of consideration.

#### FOURTH DEFENSE

18. Plaintiff's complaint is barred due to waiver, estoppel and laches.

#### FIFTH DEFENSE

20. Plaintiff's complaint is barred due to insufficiency and failure of service.

#### SIXTH DEFENSE

21. Plaintiff's complaint is barred due to lack of standing.

#### SEVENTH DEFENSE

22. The Defendant reserves the right to assert such other affirmative defenses as may become known to her during the course of litigation.

WHEREFORE, having fully answered, Defendant, Margaret Masucci prays that Plaintiff's complaint be dismissed at Plaintiff's cost.

/s/ David L. Lash

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Attorney for Defendant, Margaret Masucci

CERTIFICATE OF SERVICE

A copy of the foregoing Answer and Affirmative Defenses of Defendant, Margaret Masucci has been sent by regular U.S. Mail, postage prepaid on the 2<sup>nd</sup> day of March, 2015, to:

Michael J. Moran, Esq.  
234 Portage Trail  
PO Box 535  
Cuyahoga Falls, OH 44221  
[moranecf@yahoo.com](mailto:moranecf@yahoo.com)

Attorney for Harold Corzin, Trustee

and to

Don Joseph, Inc.  
Attn: Officer, Managing or  
General Agent  
1111 W. Main Street  
Kent, OH 44240

Defendant

/s/ David L. Lash

DAVID L. LASH  
Attorney for Defendant, Margaret Masucci